

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
PETER J. TRACY,

Plaintiff,

-against-

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.
-----X

JUDGMENT
05-CV- 4915 (ARR)

An Order of Honorable Allyne R. Ross, United States District Judge, having been filed on May 26, 2006, reversing the final decision of the Commissioner of Social Security ("Commissioner") pursuant to the fourth sentence of 42 U.S.C. § 405(g); remanding the action to the Commissioner for a *de novo* hearing before an Administrative Law Judge; and ordering that upon remand, the Administrative Law Judge will apply the treating physician regulation at 20 C.F.R. § 404.1527(d); it is

ORDERED and ADJUDGED that the final decision of the Commissioner of Social Security ("Commissioner") is reversed pursuant to the fourth sentence of 42 U.S.C. § 405(g); that the action is remanded to the Commissioner for a *de novo* hearing before an Administrative Law Judge; and that upon remand, the Administrative Law Judge will apply the treating physician regulation at 20 C.F.R. § 404.1527(d).

Dated: Brooklyn, New York
May 26, 2006

ROBERT C. HEINEMANN
Clerk of Court